**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.479 OF 1993
WITH
CIVIL APPLICATION ST.NO.14596 OF 2000

R.K.Jedhe. ..Appellant.

V/s.

G.B.Nale by his heirs
K.G.Nale & Ors. ..Respondents.

Mr.N.V.Walawalkar for appellant.

Mr.P.J.Thorat for R.A.Thorat for Respondent Nos.1 to 3.

**CORAM: A.M.KHANWILKAR,J**
**DATE : MARCH 28, 2006.**

**P.C. :**

1. Not on board. Upon mentioning taken on board.

2. Mr.Walawalkar points out that order passed on 18th March, 2006 below Civil Application St. No.14596 of 2000(Stamp) is based on incorrect representation made to the court. He submits that on inspection of the record, it now transpires that said civil application is already rejected long back. In the circumstances, the said order dated 18th March, 2006, passed on such incorrect basis, though passed by the consent of the parties, is recalled.

3. It will be open to the parties to take out

appropriate application as may be advised for setting aside the order passed on said civil application. That be done within one week from today, failing which appeal to stand dismissed for non-prosecution without further reference to the court.